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Homeland Security Policy: Deportment on Deportation

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Abstract. This article provides commentary on the appropriateness of deporting illegal aliens in support of homeland security policy.

One post-9/11 homeland security initiative in the United States (US) has comprised various government-sponsored actions taken against illegal aliens. Illegal aliens have been incarcerated often without public notification and without access to a lawyer or family, placed under close observation by law enforcement authorities, deported, or directly or indirectly induced to leave the country. A prime focus on this initiative bears on Arab and Muslim illegal aliens, deportation, and the associated rightness or wrongness of the implemented policy.

The most common public discourse on deportation as homeland security policy has centered on the appropriateness of constraining the freedom of illegal aliens to live where and how they wish to live. And for opponents of deportation, this constraint is ipso facto wrong. Is it?

In a legal context, one can easily enough spot anything from Constitutional language to legal precedents supporting the necessity of a trade-off between a constraint on freedom and individual and collective security. One might make the wrong call on how one decides what this trade-off should be in a specific situation, but one has strong legal foundation in attempting to make it.

In an ethical context, a security policymaker can assert that constraining freedom is necessary to best discharge the responsibility of developing and supporting individual and collective security. The validity of this assertion is dependent on various epistemologies—e.g., faith, authority, reason and logic, empiricism—but with intentional and consequential validity comes support for an ethical foundation of constraining freedom in the service of security.

In a moral context, one might be confronted with the comparative rightness and wrongness of constraining freedom versus individual and collective security as a guidon in living a life of the Good. As with the ethical context, the moral context confronts an epistemological challenge—but not a perspective that can be rejected out of hand.

Now, beyond the stance of the ipso facto wrongness of constraining freedom is a more sophisticated stance that relates to differential constraining of freedom. For example, not all illegal residents are being treated similarly. Some groups of ethnic variables are seemingly interpreted as less threatening than those identified as constituting Arab and Muslim identity—with the latter presumed to warrant a more significant constraint of freedom.

For a differential constraining of freedom to be warranted, one would somehow have to demonstrate how an interpretation of greater threat attributed to a group; of ethnic variables is warranted. This demonstration can be attempted in at least two ways. First, terrorist behaviors such as killing and injuring people, destroying and damaging material infrastructure, or threatening to engage in such action might be demonstrated to be more likely in one ethnic group than another or others. Second, an

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ethnic group might be demonstrated to be more likely to wittingly or unwittingly engage in activities supporting terrorist behaviors—from providing safe houses to being less likely to provide potentially helpful information about their ethnic peers to counterterrorist authorities.

However, even if one could demonstrate statistically significant linkages, a differential constraining of freedom might still not be appropriate because of the likelihood of a false positive rate of huge dimensions for the ethnic group identified as more likely to present a threat. In other words, more individuals from one ethnic group than another—per capita or in an absolute sense—may be more likely to engage in terrorism or supporting it, but the vast majority of this group will not. In fact, the stigmatization and associated programs supporting a counterterrorist policy based on statistically significant differences between groups can render an ethnic group even more threatening, because there's now even more in the real world that can elicit direct or indirect terrorist behavior. In essence, a self-fulfilling prophecy can be created that might reflect favorably on the counterterrorist expert but not on national security.

So operating homeland security policy based on differential constraints of freedom might increase the security problem as much as it might help it through disruption of active and passive terrorist planning. On the other hand, just letting all illegal aliens remain in the US would admirably avoid increasing a security problem within an ethnic group, but would allow active and passive terrorists to work their evil and even attract additional terrorists through their perception of an easier operational and planning environment. As well, the potentially huge lethality of a terrorist attack might not allow the implementation of such a policy.

The best homeland security policy must be based on better intelligence. This would involve upgrades in the collection of more relevant and accurate information, the analysis of that information, and the timely and secure transmission of that information to policymakers and other security authorities. Constraints of freedom would then be more appropriately targeted and might or might not target an ethnic group during interludes of a dynamic, ever-changing security world.

Given that the political world is ineluctably characterized as a constraint of freedom, public discourse on homeland security should not focus on the presence of constraints but on how it can be most judiciously employed. This is a tougher question, one that is not as easily associated with expressions of self-righteousness and moral indignation but one that just might better support homeland security against terrorist foes. (See Arquilla, J., & Karasik, T. (1999). Chechnya: A glimpse of future conflict? [Studies in Conflict & Terrorism, 22, 207-229; Horton, A. (2002). Violent crimes and racial profiling: What the evidence suggests. Journal of Human Behavior in the Social Environment, 6, 87-106; Macias, J. (2002). The tragedy of terrorism: Perspective, reflection, and action in the aftermath. Anthropology & Education Quarterly, 33, 280-282; Ward, J.D. (2002). Race, ethnicity, and law enforcement profiling: Implications for public policy. Public Administration Review, 62, 726-735.) (Keywords: Deportation, Ethnic Profiling, Homeland Security)